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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,688	11/09/2001	Shmuel Shaffer	062891.0629	2955

5073 7590 11/02/2004

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EXAMINER

NGUYEN, QUYNH H

ART UNIT PAPER NUMBER

2642

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,688

Applicant(s)

SHAFFER ET AL.

Examiner

Quynh H Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The previous Final Office action is withdrawn in response to Amendment filed on 9/30/04. **THIS OFFICE ACTION IS MADE FINAL.**

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-11 and 13-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinman, Jr. (U.S. Patent 6,453,022) in view of Chow et al. (U.S. Patent 6,785,560).

Regarding claims 1, 11, 13, 14, 16, and 33, Weinman teaches establishing a first call between a first endpoint ("the user" - col. 2, line 17) and a second endpoint; detecting that the first call was placed on hold by the second point (col. 2, lines 17-18 - "the user is on hold on a first line..."); establishing a second call between the first endpoint and a third endpoint (col. 1, lines 55-61 and col. 2, lines 19-21) after detecting that the first call was placed on hold.

~~Weinman do not explicitly suggest mixing a first incoming media from the first call~~
with a second incoming media stream from the second call for presentation to user of the first point and the packet switched network.

Chow et al. teach in one embodiment of the invention that the call hold button can act similar to a call mute button when a called is placed on hold by pressing the hold button twice quickly to adjust the volume or mute the calling party (col. 42, lines 39-

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53). For example, the mobile unit MS 101 (Fig. 12) coupled to PSTN 125 via MSC 1250 and coupled to LDS 104 via packet switched data network line can receive voice traffic from the calling party, while the calling party is muted from the voice traffic.

Since the reference teaches that the calling party may decrease the volume of the first line while talking on the second line, and when the party from the first line returns, the calling party may re-adjust the volume of the first line relative to the second line (col. 2, lines 19-29), then it would have been obvious (if not inherent) that the calling party was able to listen to mixed media of the first and second incoming media stream. This is the only obvious way to make sense of the feature of adjusting and re-adjusting the volume. Furthermore, it would have been obvious to one of ordinary skill in the art to incorporate the packet switched network, as taught by Chow, in Weinman's system in order to have a conference system that allow selective audio control within a packet switched network.

Regarding claims 2, 15, 22, and 29, Weinman teaches audio parameters or the signaling can be adjusted (col. 5, lines 21-25 and lines 52-56).

Regarding claims 3, 17, and 30, Weinman teaches muting the outbound media stream in the first call (col. 5, lines 52-53 and col. 6, lines 39-45).

Regarding claims 4, 18, 23, and 31, Weinman teaches detecting that the first call has been removed from on hold by the second endpoint (col. 2, lines 21-22 - "when the party from the first line returns") and communicating the outbound media stream in the first call (col. 2, lines 21-29).

Regarding claims 5, 19, 24, and 32, Weinman teaches when "the user is on hold on a first line and that line is playing background music, the calling party may wish to decrease the volume of that line ... while he/she continues discussions with another conference party on a second line" reads on claim limitation "transfer the outbound media stream from the first call to the second call; and it would have been obvious that once the caller is involved in the second call, the outbound media stream in the first call is muted.

Regarding claims 6-8, 25, and 26, Weinman does not teach receiving a signal and notification from a remote user from the second endpoint indicating that the first call was placed on hold. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the feature of notifying the user that his/her call is placed on hold is well known and the advantage of using it is also well known.

Claim 9 is rejected for the same reasons discussed above with respect to claim 1. Furthermore, Weinman teaches a call manager (multi-line telephone system 105) for communicating the first and second incoming media streams (col. 3, lines 34-45).

Regarding claims 10, 20 and 27, Weinman teaches the user indicating a desire to place or receive the second call (col. 2, lines 17-23).

Claim 21 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Weinman teaches a network interface; a transmit and receive circuits; and a control circuit (Fig. 1 and col. 3, line 17 through col. 4, line 7).

Claim 28 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Weinman teaches logic encoded in media for managing incoming

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and outgoing calls at an endpoint placed on hold (program codes in controllers 115, 215, 525... digital signal processor).

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weinman, Jr. (U.S. Patent 6,453,022).

Regarding claim 12, Weinman teaches establishing a first call between a first endpoint ("the user" - col. 2, line 17) and a second endpoint; detecting that the first call was placed on hold by the second point (col. 2, lines 17-18 - "the user is on hold on a first line..."); establishing a second call between the first endpoint and a third endpoint (col. 1, lines 55-61 and col. 2, lines 19-21) after detecting that the first call was placed on hold; and a call manager (telephone system 105) coupled to the network for sending and receiving signaling information of the first and second endpoints (col. 3, lines 34-45).

Weinman do not explicitly suggest mixing a first incoming media from the first call with a second incoming media stream from the second call for presentation to user of the first point.

Since the reference teaches that the calling party may decrease the volume of the first line while talking on the second line, and when the party from the first line returns, the calling party may re-adjust the volume of the first line relative to the second line (col. 2, lines 19-29), then it would have been obvious (if not inherent) that the calling party was able to listen to mixed media of the first and second incoming media stream. This is the only obvious way to make sense of the feature of adjusting and re-adjusting the volume.

Response to Arguments

5. Applicant's arguments with respect to claims 1-11 and 13-33 have been considered but are moot in view of the new ground(s) of rejection. Claim 12 have been fully considered but they are not persuasive. Response to Applicant's argument with respect to claim 12 is addressed in the above claim rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

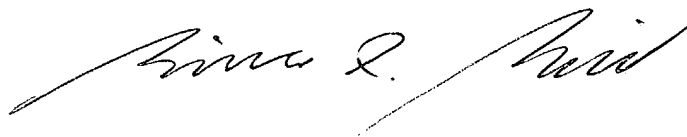
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen
October 25, 2004

A handwritten signature in black ink, appearing to read "Bing Q. Bui", written in a cursive style.

**BING Q. BUI
PRIMARY EXAMINER**